IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 1192 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE M.C.PATEL

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

MADHUBEN NILESH PAAU

Versus

NILESH JAYANTILAL PAAU

Appearance:

MR RR TRIVEDI for Petitioner

MR BHAVESH P TRIVEDI for Petitioner

MR YOGESH S LAKHANI for Respondent

CORAM : MR.JUSTICE M.C.PATEL

Date of decision: 02/11/2001

ORAL JUDGEMENT

1. Rule. Mr. Y.S. Lakhani waives service of Rule on behalf of the respondent. In the facts and circumstances of the case, the revision application is

taken up for hearing today.

2. The petitioner, who is the wife, had filed an application for interim maintenance under Section 24 of the Hindu Marriage Act in HMP No.285 of 1998 which has been filed by the respondent - husband in the Court of Civil Judge (S.D.), Vadodara. The said application came to be dismissed since the petitioner's advocate was not present. In the facts and circumstances of the case, the impugned order is set aside and the learned Trial Judge is directed to decide the petitioner's application for interim maintenance on merits, after giving an opportunity of hearing to both sides. The learned counsel for the petitioner states that the petitioner's advocate will remain present on the date fixed by the Trial Court. Rule is made absolute accordingly. Direct Service permitted.

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